

## WOULD RESTRICT USE OF ALIENISTS

Argued That Only State Should Engage Insanity Experts.

## JURIES FLOUNDER IN SEA OF DOUBT

Argument Advanced at Meeting of Bar Association—Resolution to Probe Matter of Fees Paid to Supreme Court Clerks Adopted—J. F. Bullitt Is Elected President.

(Special From a Staff Correspondent.) Hot Springs, Va., August 9.—"Insanity will be Henry C. Beattie's defense," declared B. Whitehead, Commonwealth's attorney of Nelson county, in the course of a speech before the Virginia State Bar Association that morning. "After this plea has been made," he continued, "Beattie's attorneys will marshal together a host of insanity experts from various sections of the country, expending a great amount of money in fees for the services of these experts. In order to meet this testimony, the Commonwealth will also have to make a great outlay for similar insanity experts, who will be expected to undo the testimony of the accused's experts. The result will be confusion arising from a mass of conflicting opinion, and the jury will flounder in a sea of doubt, probably inclining toward the accused, because it is human nature to place more credence in an imported expert than a local one."

The merits of the case were, of course, not discussed by Mr. Whitehead. The conception of the law is that no man is guilty of crime until duly found so by a jury of his peers, and through the eyes of the law, which would exempt expert witnesses by criminal and civil cases employed by the State and not by private persons. Mr. Whitehead, who has served several years as the prosecuting officers of Nelson county, has wide experience in criminal trials, including those for murder. Many famous murder cases are recorded in Nelson's history.

"In all cases of homicide," according to Mr. Whitehead, "in which insanity is the defense, the jury ought to be required in its verdict, if it acquits the accused, so to say, and then the court ought to be required to commit the prisoner to an insane asylum for life. A man who is crazy enough to kill one man may kill another. He is a danger to society and should be put where he can do no further damage. If this were done, the plea would never be entered unless it was meritorious, and we would hear no more of the brain-stem."

Mr. Whitehead's reference to the Beattie case was the only one. There was no discussion about it, though by a vote of eight to seven the resolution recommended to the General Assembly an expert testimony statute, which, if adopted, will reduce the number of experts in all cases, make the private employment of them illegal, and tend to reduce the expense of litigation. Experts could not be the witnesses of either side in criminal cases. The court would, at the request of the accused, furnish experts at the State's expense. This recommendation, of course, may not be adopted by the Legislature, but even if it were it would not affect the Beattie case.

Perhaps the most important action of the morning session was the adoption of a resolution creating a committee which is to look into the matter of the fees paid to the three clerks of the Supreme Court of Appeals. This was offered by S. S. P. Patterson, of Richmond, who ably advocated it.

The chief event on the morning's formal program was a paper by Judge A. W. Wallace, of Fredericksburg, on "The Life and Character of Lord Brougham." It was carefully written and was a brilliant review of the career of the great English lawyer. Although it took almost an hour in delivery, Judge Wallace, who is an elderly man, practically delivered it from memory.

His triumphs recounted. The numerous triumphs of Brougham were recounted by Judge Wallace, who devoted much attention to the marvelous defense of the good name of Caroline, the only Queen ever brought to the bar of justice in England. This great statesman advocated the enlargement of the House of Lords for purposes of state, just as Aquilith is doing now in Great Britain. He was elected to the regency of the University of Edinburgh over Sir Walter Scott. Brougham was a great law reformer, and is most remembered for his services in that cause. He brought about a revision of the law of England, eschewing the evil, retaining the good, and making a six-hour speech on this subject, never losing the rapt attention of Parliament.

"He was a peerless example of virtue and valor in peace, and was like Lee," said Judge Wallace. "It was Brougham who paid the greatest tribute to Washington. Men, not measures, are our greatest need. Great men like Brougham," said Judge Wallace.

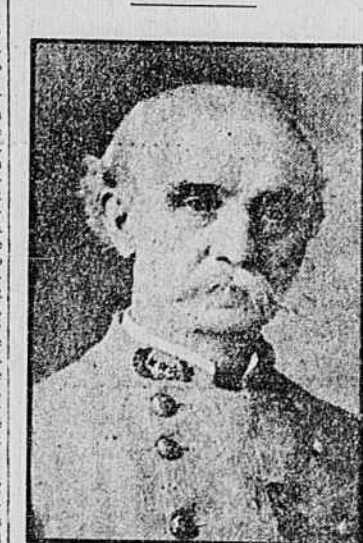
He said that his trust was still in

## GEN. G. W. GORDON DIES IN MEMPHIS

He Was Commander-in-Chief of United Confederate Veterans

## SMILES ASH BIDS FAMILY FAREWELL

At the End, Peace Seems to Envelop Face of Passing Warrior of the Confederacy—Illness Dated From His Last Political Campaign.



GEORGE W. GORDON.

Memphis, Tenn., August 9.—General George W. Gordon, commander-in-chief of the United Confederate Veterans, and member of Congress, died at his home here at 4 o'clock this afternoon. His illness dated from his last political campaign, when he was re-elected to the national House of Representatives, the last general of the Confederacy to serve in that body.

Funeral arrangements have not been announced, but the obsequies will be, it is expected, of a military character, and the body will be laid to rest here, probably Sunday.

Weakened by the heat of the past twenty-four hours and his feeble frame wasted by the ravages of a slow illness, the light of General Gordon's life grew dimmer hourly today. When following a restless night he woke from fitful sleep in the early morning hours, the watchers at his side saw that the end was but a question of hours, perhaps minutes.

As the end approached peace seemed to envelop his face, for he smiled as with comforting words he bade members of his family and other relatives adieu.

George Washington Gordon was born in Giles county, Tenn., October 5, 1832. In his early boyhood his parents removed to Texas, and later to Mississippi, but as a youth he returned to Tennessee and entered the Western Military Academy, from which he was graduated in 1859. His first activity was as a civil engineer.

Became Brigadier-General. At the outbreak of the Civil War, General Gordon enlisted as drill master of the Eleventh Tennessee Infantry, C. S. A. Within a few weeks he was made a captain and was later promoted to lieutenant colonel, and in about a year was commissioned colonel. In 1861 he was named brigadier-general. He participated with distinction in a number of engagements, and at one time was taken prisoner.

At the close of the war, General Gordon studied and practiced law, becoming Attorney-General of this (Shelby) county. In 1883 he was appointed a member of the Tennessee Railroad Commission, and in 1885 an attaché of the Federal Department of Indian country. At the end of President Cleveland's first term, he returned to Memphis and resumed the practice of law. He was elected a member of the Sixteenth Congress from the Tenth Tennessee District and re-elected to the Sixty-first and Sixty-second Congresses.

General Gordon was chosen commander-in-chief of the United Confederate Veterans at the reunion of 1910 at Mobile, Ala. He was re-elected to that position at the 1911 reunion at Little Rock, Ark., last May.

Was Ill at Reunion. Immediately following the close of his last political campaign General Gordon's health began to fail. Asthma in severe form developed. Notwithstanding the poor state of his health, he attended the sessions of Congress, and his vigor was partially restored. Just before the Little Rock reunion, he suffered an attack of pneumonia poisoning, and against the advice of physicians and the wishes of relatives, insisted on attending the reunion. While in Little Rock he became very weak and took but small part in the reunion affairs.

Several weeks ago General Gordon went to a Northern health resort, but his health did not improve, and he returned to Tennessee. He spent several days in the country, and was brought to Memphis last Monday. Uremia developed, and in his weakened condition he could not withstand the added complications.

Walks Success to Once. New Orleans, La., August 9.—As the next senior officer to the late General George W. Gordon, Lieutenant-General C. Irvine Walker, of Charleston, S. C., assumed command of the United Confederate Veterans in orders issued today through the office of William E. Mickle, adjutant-general.

## AMERICAN ACTOR PERISHES IN FIRE

Jameson Lee Finney Killed in a Fire Which Destroyed a Portion of the Carlton Hotel.

## OTHER GUESTS MAKE ESCAPE

Carlton Scene of Excitement When Threatened With Destruction by Flames—Many Americans Flee in Scanty Attire—Hotel Is Not Badly Damaged.

London, August 9.—Jameson Lee Finney, the American actor, perished to-night in a fire which destroyed a portion of the Carlton Hotel, where he was a guest. His body was found in the bathroom adjoining his room on the fifth floor of the annex. The face was so badly charred that his features were unrecognizable. Apparently Mr. Finney had gone into the bathroom to bathe before dressing and was asphyxiated. The body was removed to the morgue later in the evening.

This death was the only one resulting from the fire, which, however, was attended by exciting scenes and considerable loss to the building through fire and water. A large number of American guests escaped from the hotel, but lost their baggage.

The Carlton is one of London's most fashionable resorts, and many Americans are among its guests. Of the 200 persons stopping at the hotel when the fire broke out, many were from the United States, and while all had narrow escapes, none except Finney suffered any injury.

The fire was confined mainly to that end of the hotel adjoining His Majesty's Theatre, and the fifth and sixth floors, which were gutted. Part of the roof also was destroyed. Only the hardest work by the firemen saved the hotel and theatre. The manager says the hotel is not badly damaged, and will resume business immediately.

The alarm was sounded at 7 o'clock, while most of the guests were dressing for dinner. The blaze started in the elevator shaft from the crossing of an electric wire, and roared so threateningly that the people poured out into the streets, leaving all their baggage. Men in their underclothes, with overcoats over them, and women half-dressed, were seen running down their backs, fled from the building.

Firemen arrived quickly and ran up their ladders and rescued a number of servants, who, from the upper windows, were shrieking to the excited crowds below for help.

Most of the guests had fled in the motor cars filled the adjoining streets and watched the fire. The Haymarket, across the street from the hotel, was compelled to cancel its performance on account of the fire.

His Majesty's Theatre is closed. Most of the guests had returned to the hotel after a round of sightseeing in dress for dinner. The alarm caught them in every condition of undress.

Mrs. C. Shippy and son and Miss Jessie Gardiner, of Chicago, had just time to leave their rooms in the scantiest attire, and lost all their luggage.

James R. Keene, the well-known New York financier and horseman, was one of the coolest victims of the fire. He was sitting in his room when the alarm rang, and calmly walked downstairs, lighting a cigar, and then stood on the sidewalk and watched the progress of the flames.

John Wamaker, Jr., Roland Hunter and J. P. McFadden, Jr., had just taken off their street clothes and were sitting in Mr. Wamaker's room. They escaped to the sidewalk in pajamas and drove to another hotel, leaving their baggage.

John Purroy Mitchell, president of the Board of Aldermen of New York, was asleep in his room, but Mrs. Mitchell awakened him, and they quickly made their exit from the building. Late to-night Mr. Mitchell was trying to find his baggage in order to make a change of apparel.

Among other Americans in the hotel when the fire broke out who lost all or most of their baggage, and some of whom only had time to take a few clothes, were ex-Governor Brown and son, of Maryland.

Thomas A. Edison was staying at the Carlton, but was out when the fire occurred.

Was Well Known Actor. New York, August 9.—Jameson Lee Finney was a widely-known character actor who had appeared in many of the recent successful plays on the metropolitan stage and in cities throughout the country. He was born forty-seven years ago in St. Louis, and made his first stage appearance in Syracuse, N. Y., in 1881. He appeared for a time in various parts with the Booth-Barrett Company.

In 1884 he joined the Knickerbocker Company and appeared in conspicuous parts for four years. During 1901 he toured with Daniel Frohman's company, and for the next two years appeared steadily in New York theatre.

## QUESTIONS STILL ARE UNANSWERED

Is Mr. Perkins' Part in the Steel Corporation Inquiry into the Affairs of the Steel Corporation?

## HEATS WAIVED

Committee, in Executive Session, Is Induced to Reconsider Action in Ordering Witness to Answer Queries as to His Personal Campaign Contributions.

Washington, D. C., August 9.—George W. Perkins, director of the United States Steel Corporation, and former partner in J. Pierpont Morgan & Co., was not ordered before the committee of inquiry into the affairs of the Steel Corporation. Neither will he be. After a heated executive session of the committee to-day, in which was discussed the refusal, on advice of counsel, on Mr. Perkins' part to answer a suggestive line of questions regarding contributions of corporations to campaign funds, the committee reached an understanding whereby all threats were waived.

The committee, in executive session, was induced by Representative Littleton to reconsider the action of yesterday, in which the chair was sustained in ordering that the witness answer questions as to his personal campaign contributions.

Political Phase Dropped. After this was done a plan was agreed upon as to just what questions regarding contributions should be asked, and it was understood that Richard Lindaberry, counsel for the Steel Corporation, would declare that he knew of one contribution of \$10,000 made by that corporation to a campaign fund in 1904. This he afterward stated before the committee, and thereupon the political phase of the inquiry apparently was dropped.

When the executive session of the committee was called Mr. Perkins was called for by Chairman Stanley. Representative Littleton, upon the arrival of Mr. Perkins, began a statement, relating how he had been asked to what campaign funds he had contributed, connected with the Steel Corporation. "Upon the admissibility of this evidence," said Mr. Littleton, "a vote was taken, and it was held to be legal to ask these questions. I have examined thoroughly the records of the House under which this committee was appointed, and after much discussion and consideration I have made up my mind that any question to any witness as to his personal campaign contributions is not admissible under this resolution. I wish it understood that I will meet future questions on this point as they arise."

Representative Bartlett, of Georgia, also a Democrat, is reported to have stood by Mr. Littleton in the executive committee in his view of the situation.

John W. Stanley declared it was well known that the campaign contributions "that were not spread upon the records with any degree of volubility" were made by corporations.

Decision Not Altered. "An inquiry," said Mr. Stanley, "as to the methods by which the United States Steel Corporation kept its books with reference to this practice is relevant. Mr. Beall may and will exercise a wise discretion in the matter, but as to the question as to what difference there was in the way the United States Steel Corporation kept its records, the chair is of the opinion that it is relevant and competent should Mr. Beall insist upon an answer to that question. The decision of the chair is not to be altered."

Though this declaration created considerable excitement for a moment, when Mr. Beall restated the question, Mr. Perkins did not answer, and an answer from him was not insisted upon. Instead, Richard V. Lindaberry, counsel for the United States Steel Corporation, rose to make a statement.

"I wish to say," Mr. Lindaberry began, "that I am as unalterable in my opinion relating to some questions as is the chairman in his. I do not object to questions as to campaign contributions of the Steel Corporation, but I do object to any inquiry into the practice of the New York Life Insurance Company as to campaign contributions."

"In 1904 the United States Steel Corporation contributed \$10,000 to a political campaign, whether for a State or national campaign I don't remember. I will look up the records of this and of other contributions and submit them to the committee. This contribution Mr. Perkins knows nothing about."

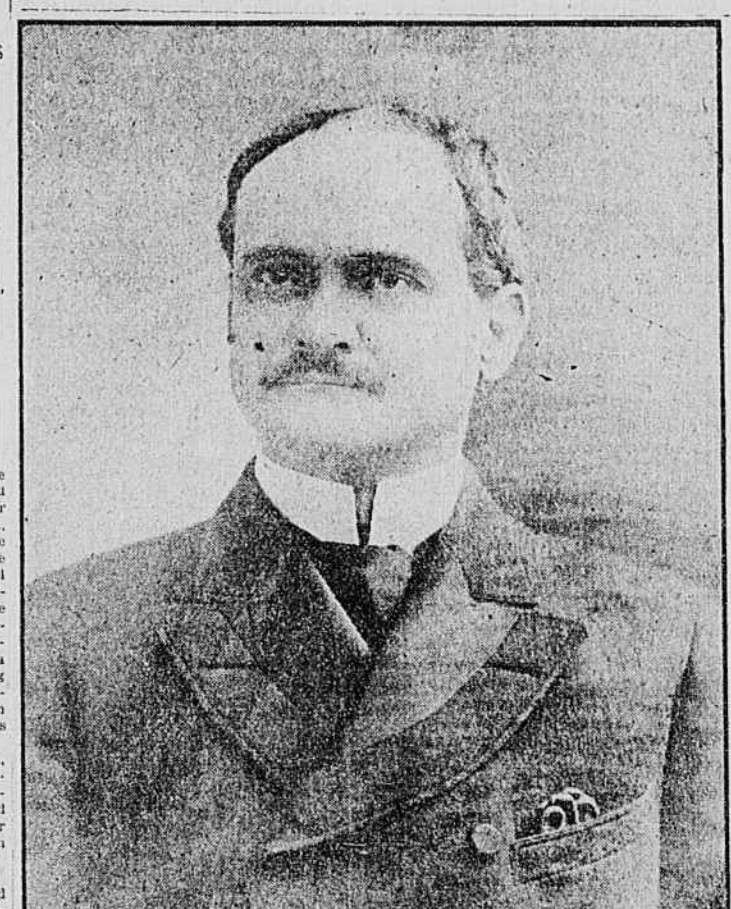
"Then that obviates the necessity of further questions in that regard," said Representative Beall.

Several questions along that line followed, to which Mr. Perkins replied that he had never had expectations of reimbursement from anybody, and there the campaign contribution inquiry abruptly ended.

May Use Information. During the noon recess Representatives Stanley, Sterling and Littleton called on President Taft at the White

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## LOBBYISTS OF CORPORATIONS PREVENT NEEDED LEGISLATION



WESTMORELAND DAVIS.

## HOW WATCHFUL LOBBY FOR CORPORATIONS GUARDED INTERESTS

(Special from a Staff Correspondent.) Staunton, Va., August 9.—An appendix to the list of twenty-two bills introduced in the General Assembly in 1908, which were regarded as inimical to certain corporate interests, together with the report of the corporation of from being enacted into law. This corporation agents' report was read by President Westmoreland Davis before the Farmers' Institute here to-day.

A summary of legislation considered more or less hurtful to public service corporations, introduced in the General Assembly of Virginia, Session 1908.

House Bill No. 10; patron, Mr. Bartlett, twice referred to Committee on the State Calendar for the last week of the session provided that the State Corporation Commission power and authority to fix and prescribe certain rules, regulations, etc., in the matter of water gas and electric light and power companies. This bill was not opposed at first for various reasons, which seemed good at the time, and was favorably reported by the committee and placed upon the House calendar. Considerable opposition developed in the House, and it was recommitted. From that time on it received watchful attention, and by suggesting and obtaining the cooperation of smaller companies throughout the State, the bill was finally reported unfavorably and died on the calendar.

House Bill No. 201; patron, George T. Snead. This was a bill to provide for tolls roads on electric lines in the State extending a distance of fifteen miles or more from any town, city, etc. It was referred to the Committee on Roads and Internal Navigation, and there carefully considered, and after long arguments and the appearance of a number of opponents from various sections of the State affected thereby, it was reported unfavorably and defeated in the House.

Senate Bill No. 46, patron Judge Wickham, referred to the Committee of Courts of Justice. This was a bill to prescribe in what cases contributory negligence shall not bar a recovery. This bill, in effect, introduced the doctrine of comparative negligence in our jurisprudence, and its passage would have been most disastrous. The bill was repeatedly and fully argued before the committee, and was reported with the recommendation that it be not passed, and was finally dropped by its patrons, who were persuaded that a possible future would be very hurtful to interest in the position to stand any further strain.

House Bill No. 331, patron Hill Montague, of Richmond, referred to Committee on Courts of Justice. This was a bill regarding the defense of contributory negligence in cases of tort, where the evidence showed that the defendant had been guilty of negligence in the violation of an express requirement or prohibition of a statute or a city ordinance. The bill was somewhat similar in its language to the one referred to, introduced by Judge Wickham in the Senate, except that it was cruder, more dangerous and aimed chiefly, if not entirely, at street car companies. It was most elaborately argued at several meetings of the committee, which gave careful consideration to all that was said. It would have been reported unfavorably by a majority of the members of the committee who heard the debate, but in a meeting held on short notice, Mr. Montague succeeded in having the bill favorably reported by the aid of the votes of several members who had not been present at a single hearing, and even

when secured a bare majority of the members present and voting. This bill was placed on the calendar, and Mr. Montague made strenuous efforts toward the end of the session to procure its passage, but in vain. A resolution of the session provided that bills might be called up out of their order and passed; provided there were not as many as ten objections to their consideration. By constant watchfulness at all times, the attention of members hostile to the bill was kept called to the effort to pass it, and thus its consideration, and possibly its passage, were prevented. It was probably the most hurtful and dangerous bill introduced during the session.

House Bill No. 231; patron, Mr. Montague; referred to Committee on Courts of Justice. This was a bill to provide for remedy by motion, after fifteen days' notice, for any tort. The purpose of this bill, to encourage loose practice and speedy hearing was manifest, and it was plain that it would be hurtful to the interests of all public service corporations. It was vigorously opposed, but was passed by the House, and was reported favorably by the committee, but died on the calendar under similar circumstances as those surrounding the fate of the other bill.

House Bill No. 149; patron, Mr. Montague; referred to Committee on Courts of Justice. This was a bill to provide when demurrer shall not lie in actions for torts, and was plainly intended as a reproach to the courts of appeals for its decision in the Hortenstein case. It was fully argued, and met with the fate of the two other bills just above mentioned.

In Mr. Montague's advocacy of these bills, and it is believed in their preparation, he received the very active assistance and co-operation of Messrs. C. V. Meredith and S. S. P. Patterson, and as to the demurrer bill, of Mr. Wyndham R. Meredith. There were interested and sympathetic, but whose activity was not manifested so openly.

House Bill, not numbered, patron, Mr. Montague; referred to Committee on Courts of Justice. This was a bill prescribing when a clergyman or physician or surgeon shall not be allowed to testify as a witness without consent to patients. This bill was so monstrous that even Mr. Montague failed to press it in committee, and it was never considered. It would be most unjust to charge any other member of the bar with even partial responsibility for the introduction of this measure. It was plainly aimed at the street car companies, and was the last of the four bills introduced by Mr. Montague for that evident purpose.

House Bill No. —; patron, Mr. Owens; referred to Committee of Roads and Internal Navigation. This was a bill to require transportation companies operating street cars into and out of incorporated cities to maintain a schedule of not less than fifteen minutes during half of the day, and not less than thirty minutes during the remainder. This bill emanated from Norfolk sources, and would of course have practically bankrupted every street car company in the State. The bill was so outrageous that its danger was minimized, but it was not considered.

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## Westmoreland Davis Attacks Their Activity in General Assembly.

## READS LIST OF DEFEATED BILLS

Report of Agents of Public Service Corporations Sent to Him Shows How Measures Before Legislature of 1908 Met Their Death by Ever-Watchful Paid Lobby.

(Special From a Staff Correspondent.) Staunton, Va., August 9.—Explaining why the agricultural interest of Virginia had failed to secure from recent sessions of the General Assembly legislation demanded, President Westmoreland Davis, in his annual address before the Virginia State Farmers' Institute this morning, read a list of twenty-two bills believed to have been inimical to interests of certain public service corporations, the defeat of which was secured by an ever-watchful, paid lobby. Many of the bills, he said, there was reason to believe, would, if enacted, have been for the benefit of the community.

Other features of the president's address were an attack on the State Board of Agriculture for failure to cooperate with the State Farmers' Institute, though it had funds available for the purpose; sarcastic reference to the president of the Southern Railway, which corporation was charged with collecting the last penny of exorbitant rates to pay dividends on heavily watered stock; a demand for election of corporation commissioners by the people and for the passage of unamended legislation for the farming interests.

Governor Makes Reply.

Governor William Hodges Mann, at the afternoon session, replied partly to Mr. Davis, admitting that all other interests but those of the farmer were represented by a lobby in the General Assembly. The Governor promised his support to the lime bill, announced that he had no political aspirations whatever, and in discussing the election of corporation commissioners took the opportunity to advocate drastic reform in the plan of holding both primaries and general elections, to lessen the burden of campaign costs, which, he asserted, practically exclude the poor farmer from elective office.

President Davis emphasized his statement that the State Farmers' Institute had received no encouragement from the State Board of Agriculture, suggesting that independence in politics and failure to pander to those in power had been the cause. He recommended a registration law, which he also recommended a law to take the place of the "joker" enacted last session, which the author, Major Tynes, said he could not recognize after it had been emasculated by a legislative committee.

Difficult Task.

President Davis said he was sure the people of the State did not realize what an undertaking it was to secure the passage by the Virginia Legislature of any law which might prove hurtful to a corporation, however much the people might be benefited or how high the character of those who stand sponsor to it. "The income tax," he said, "is in the fact that those who are in the Legislature as a rule live in country towns and 'devote themselves to scheming and political manipulation.' The substantial farmer is overlooked for the election of the 'petty politician, whose vanity and thirst for knowledge makes him most of all an ardent public sentiment, having no paid lobby for his defense. The report of the agents of certain public service corporations other than railroads had, he said, been sent to him as president of the Farmers' Institute, and he made it public in the farmers' interest."

"It even goes so far as to name C. V. Meredith, S. S. P. Patterson and Wyndham R. Meredith as having assisted in procuring some of these bills. The fact that this is my mind, conclusive evidence that the community at large would have profited by their enactment. I should be loath to believe that we have reached a point in Virginia where corporations blackmail distinction of valuable and useful to the public at large. The farmers of Virginia must judge for themselves as to the condition of affairs that confronts them," he said.

Reverent by Luck of Money.

Governor Mann prefaced his address at the afternoon session on "Agricultural Possibilities in Virginia" by some remarks in answer to the address of President Davis, making it clear that financial limitations had prevented the adoption by the last General Assembly of measures otherwise acceptable. With limited funds, he said, the State could not do everything it desired to do. The Governor strongly indorsed the proposed lime bill, regretting its failure at the last session, and promising to amend its passage. He stated that he had arranged a conference of Virginia railroads, to be held in Richmond on September 1, to discuss freight charges on agricultural lime, and he was certain that some reduction would result. The Institute was invited to send representatives to the conference.

The Governor avoided politics in his remarks, saying that he himself desired no office in the gift of the people. He merely asked the co-operation of the farming interests that a record of agricultural development might be made during his administration.

"It does sometimes seem," he said, "that you have no friends in Richmond. I used to think when a man put in a good bill it would go through. I found you had to nurse it like a baby. While every other interest is organized and hasmen to lobby its

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